



City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Jane James, Senior Planner *JJ*
DATE: January 26, 2010

SUBJECT: GENERAL PLAN CONFORMANCE NO. 09-006 (NEWLAND ST. AND EDISON DRIVE UNDERGROUND UTILITY DISTRICT)

APPLICANT: Public Works Dept., City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

PROPERTY

OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

LOCATION: Newland Street (between Pacific Coast Highway and Hamilton Avenue) and all of Edison Drive

STATEMENT OF ISSUE:

- ♦ General Plan Conformance No. 09-006 request:
 - To determine if proposed underground utility district is in conformance with the goals, objectives, and policies of the General Plan.
- ♦ Staff's Recommendation: Approve General Plan Conformance No. 09-006 based upon the following:
 - The proposed project conforms to the goals, objectives, and policies of the General Plan.

RECOMMENDATION:

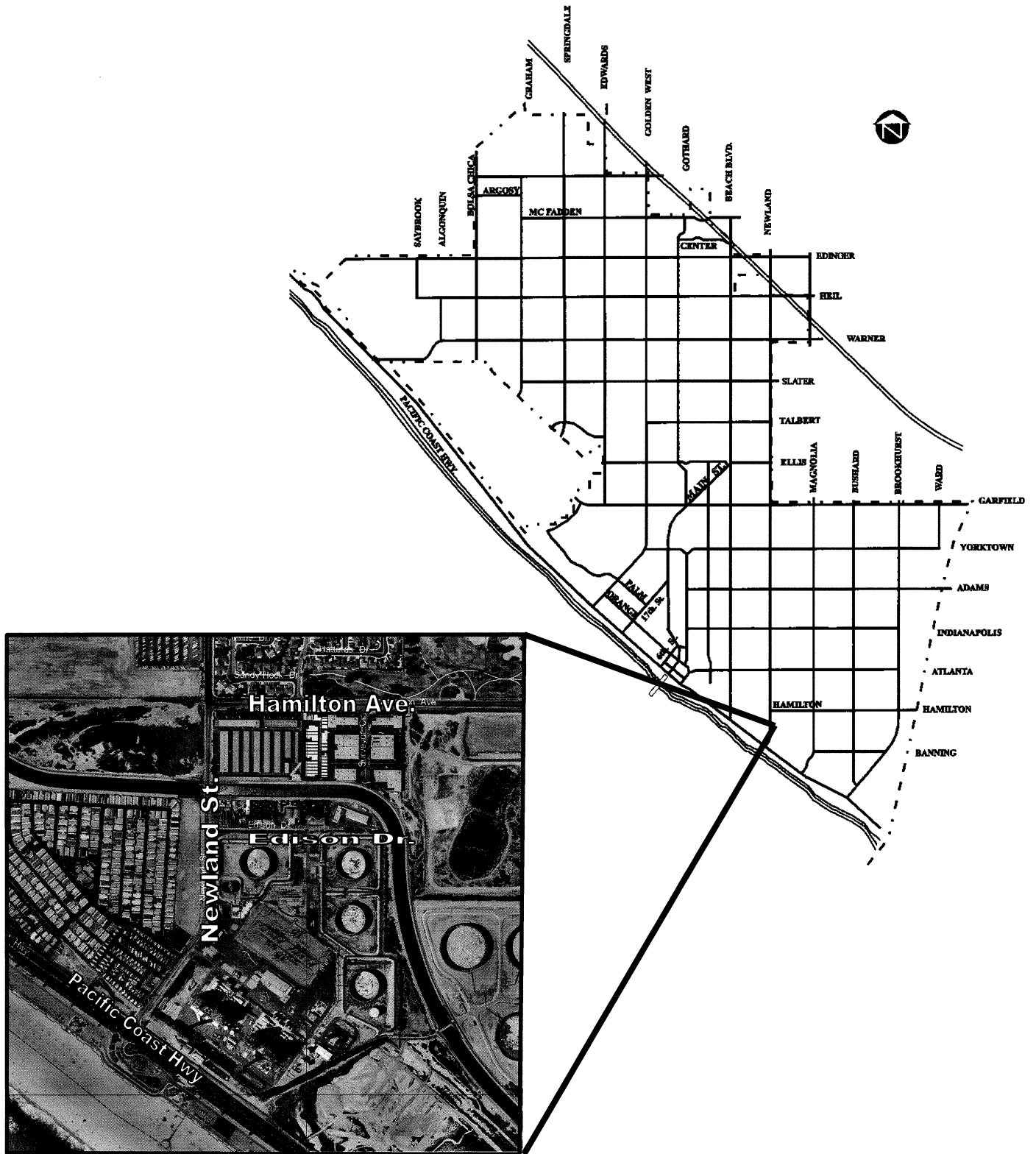
Motion to:

“Adopt Resolution No. 1640, approving General Plan Conformance No. 09-006 with findings (Attachment Nos. 1 and 2).”

ALTERNATIVE ACTION:

The Planning Commission may take an alternative action such as:

“Deny General Plan Conformance No. 09-006 with findings for denial.”



VICINITY MAP
GENERAL PLAN CONFORMANCE NO. 2009-006
(NEWLAND ST. AND EDISON DR. UNDERGROUND UTILITY DISTRICT)

PROJECT PROPOSAL:

General Plan Conformance No. 09-006 represents a request, pursuant to Section 65402 of the California Government Code, by the City of Huntington Beach Public Works Department, to determine if a proposed underground utility district on Newland Street, between Pacific Coast Highway and Hamilton Avenue, and all of Edison Drive is in conformance with the goals, objectives, and policies of the General Plan. The Planning Commission must review the proposal for consistency with the City's General Plan prior to City Council action on the district.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION – NEWLAND STREET	GENERAL PLAN	ZONING	LAND USE
Subject Area:	ROW (Right of Way)	ROW	Existing Newland Street
East of Subject Area:	I-F2-d (Industrial-0.50 FAR-design overlay), P (Public)	IL (Limited Industrial), IG (General Industrial), PS (Public-Semipublic)	Industrial businesses, AES Power Generating Station, Wetlands and Wildlife Care Center
West of Subject Area:	OS-C (Open Space-Conservation), RM- 15 (Residential Medium Density-Max. 15 du/acre), CV-F2 (Commercial Visitor-0.50 FAR)	CC (Coastal Conservation), IL, RMP (Residential Manufactured Home Park), CV (Commercial Visitor)	Wetlands, Vacant, Mobile home park
North of Subject Area:	ROW	ROW	Newland Street
South of Subject Area (across PCH):	OS-S (Open Space – Shore)	OS-S (Open Space – Shoreline Subdistrict)	Huntington Beach State Beach

LOCATION – EDISON DRIVE	GENERAL PLAN	ZONING	LAND USE
Subject Area:	ROW (Right of Way)	ROW	Existing Edison Drive
North and East of Subject Area:	I-F2-d (Industrial-0.50 FAR-design overlay)	IG (General Industrial)	Industrial businesses
South of Subject Area:	P (Public)	PS (Public-Semipublic)	AES Power Generating Station
West of Subject Area (across Newland):	RM-15 (Residential Medium Density-Max. 15 du/acre)	IL (Limited Industrial)	Vacant

General Plan Conformance:

The General Plan Land Use Map designation for the subject property is public right-of-way. The proposed project is consistent with this designation and the goals, objectives, and policies of the City's General Plan as follows:

A. Land Use Element

Objective LU 4.1: Promote the development of residential, commercial, industrial, and public buildings and sites that convey a high quality visual image and character.

B. Coastal Element

Goal C 4: Preserve and where feasible, enhance and restore the aesthetic resources of the City's coastal zone, including natural areas, beaches, harbors, bluffs, and significant public views.

C. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Policy UD 1.3.2: Provide for the implementation of streetscape improvements along the major commercial corridors, through public capital improvement programs, business district improvements, or other techniques as funding is available.

The removal of existing Southern California Edison power poles and associated overhead wires for Time Warner and Verizon will enhance the appearance of Newland Street and Edison Drive by eliminating structures that detract from the visual image of the corridor and significant public views.

Policy UD 2.2.4: Require the undergrounding of utility lines.

D. Utilities Element

Policy U 5.1.2: Continue to underground above ground electrical transmission lines.

The Underground Utility Committee has identified Newland Street, between Pacific Coast Highway and Hamilton Avenue and Edison Drive as a high priority district due to the high level of use of Newland Street and the visual and safety impacts associated with utility poles and overhead wires. The proposed Underground Utility District will allow for the undergrounding of Southern California Edison power poles and associated overhead wires for Time Warner and Verizon along a segment of Newland Street and all of Edison Drive.

Zoning Compliance: Not applicable.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

The undergrounding of utilities is categorically exempt pursuant to Section 15302, Class 2 d) of the California Environmental Quality Act, which states that “Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding,” is exempt from any environmental review.

Coastal Status:

The proposed underground utility district is located with the coastal zone. Undergrounding of utilities conforms with the General Plan Coastal Element and does not require a coastal development permit pursuant to the guideline entitled, “Repair, Maintenance and Utility Hook-Up Exclusions from the Permit Requirements (Adopted by the California Coastal Commission on September 5, 1978).” Section II.B.2.b. of the memo specifically states, “A coastal permit is not required to...convert existing overhead facilities to underground facilities provided that work is limited to public road or railroad rights-of-way or public utility easements.” Additionally, the nearly completed Newland Street widening project and associated infrastructure improvements were covered under Mitigated Negative Declaration No. 05-05 and Coastal Development Permit No. 05-07 approved on appeal by the Planning Commission on April 10, 2007.

Redevelopment Status:

The proposed underground utility district is located within the Southeast Coastal Redevelopment Project Area and is consistent with plans for the area.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

No comments regarding General Plan Conformance No. 09-006 have been received from other City departments or agencies.

Public Notification:

General Plan Conformances are non-public hearing items and do not require legal notification.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

December 10, 2009

MANDATORY PROCESSING DATE(S):

January 19, 2010 (40 days from complete application)

This application is a City initiated request and the City waived the mandatory processing time.

ANALYSIS:

Prior to City Council action on the district, the Planning Commission must review the proposal for consistency with the City's General Plan, pursuant to the Government Code of the State of California. Section 65402 of the Government Code provides that a local agency shall not acquire real property, nor dispose of any real property, nor construct a public building or structure in any county or city until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan.

Existing overhead utilities along Newland Street consist of Southern California Edison (SCE) power poles and cables along with Time Warner Cable and Verizon cables. The City has initiated placement of these utilities underground in conjunction with the Newland Street widening project. The City has come to terms with both SCE and Time Warner Cable to implement the relocation of their respective utilities underground. However, the City has not come to an amicable agreement for the relocation of those utilities owned by Verizon. Due to the impending completion of the Newland Street improvement project, the City recently issued a "Notice to Relocate" to Verizon. Without an Underground Utility District in place, Verizon will relocate their utilities to an aboveground location within the Newland Street improvement area and Edison Drive. According to the Public Utilities Commission, Rule 40, formation of an underground district would obligate Verizon to relocate their utilities underground at their cost.

Pursuant to Section 17.64.020 of Municipal Code Chapter 17.64 Undergrounding of Utilities, an Underground Utilities Coordinating Committee met on October 29, 2009 to advise the City Council with respect to technical aspects of the undergrounding of public utilities within the City. The Committee voted to establish the Newland Street Underground Utility District by a vote of 3-1 (Verizon representative voting No).

The proposed Underground Utility District is consistent with the long-range plans for the project area. The designated area is a highly utilized and highly visible arterial. The proposed Underground Utility District will facilitate the elimination of visual blight, eliminate potential risks and disruptions of service caused by vehicular or storm damage to utility poles, and will enhance the appearance of Newland Street and Edison Drive.

Staff recommends approval of General Plan Conformance No. 09-006 finding the proposed establishment of the Newland Street and Edison Drive Underground Utility District in conformance with the General Plan.

ATTACHMENTS:

1. Suggested Findings of Approval – GPC No. 09-006
2. Planning Commission Resolution No. 1640
3. Project Narrative dated October 27, 2009
4. City of Huntington Beach Utility Underground Committee Meeting Minutes dated October 29, 2009

SH:HF:RR:JJ:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS OF APPROVAL

GENERAL PLAN CONFORMANCE NO. 09-006

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15302, Class 2 d) of the CEQA Guidelines because, "Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding," is exempt from any environmental review.

SUGGESTED FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 09-006:

The proposed underground utility district on Newland Street, between Pacific Coast Highway and Hamilton Avenue, and all of Edison Drive is consistent with the goals, objectives, and policies of the City's General Plan and the Land Use Element designation of Right of Way on the subject property. The following goals, objectives and policies pertain to the proposed underground utility district:

Land Use Element

Objective LU 4.1: Promote the development of residential, commercial, industrial, and public buildings and sites that convey a high quality visual image and character.

Coastal Element

Goal C 4: Preserve and where feasible, enhance and restore the aesthetic resources of the City's coastal zone, including natural areas, beaches, harbors, bluffs, and significant public views.

Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Policy UD 1.3.2: Provide for the implementation of streetscape improvements along the major commercial corridors, through public capital improvement programs, business district improvements, or other techniques as funding is available.

The removal of existing Southern California Edison power poles and associated overhead wires for Time Warner and Verizon will enhance the appearance of Newland Street and Edison Drive by eliminating structures that detract from the visual image of the corridor and significant public views.

Policy UD 2.2.4: Require the undergrounding of utility lines.

Utilities Element

Policy U 5.1.2: Continue to underground above ground electrical transmission lines.

The Underground Utility Committee has identified Newland Street, between Pacific Coast Highway and Hamilton Avenue and Edison Drive as a high priority district due to the high level of use of Newland Street and the visual and safety impacts associated with utility poles and overhead wires. The proposed Underground Utility District will allow for the undergrounding of Southern California Edison power poles and associated overhead wires for Time Warner and Verizon along a segment of Newland Street and all of Edison Drive.

RESOLUTION NO. 1640

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF HUNTINGTON BEACH FINDING THE PROPOSED NEWLAND STREET
AND EDISON DRIVE UNDERGROUND UTILITY DISTRICT IN CONFORMANCE
WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN
(GENERAL PLAN CONFORMANCE NO. 09-006)**

WHEREAS, the Government Code of the State of California, Section 65402, provides that a local agency shall not acquire real property, nor dispose of any real property, nor construct a public building or structure in any county or city until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan; and

WHEREAS, the Public Works Department has submitted a request for General Plan Conformance review of the proposed establishment of an Underground Utility District on Newland Street between Pacific Coast Highway and Hamilton Avenue and on Edison Drive; and

WHEREAS, staff has reviewed a description of the Underground Utility District and submitted it to the Planning Commission for review on January 26, 2010; and

WHEREAS, staff has indicated applicable General Plan goals, objectives, and policies to establish conformance with the General Plan (Exhibit A).

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Huntington Beach finds the proposed Newland Street and Edison Drive Underground Utility District for the purpose of undergrounding Southern California Edison power poles and associated overhead wires for Time Warner and Verizon in conformance with the goals, objectives, and policies of the General Plan.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Huntington Beach at a regular meeting held on the 26th day of January 2010, by the following roll call vote:

AYES: Speaker, Mantini, Farley, Shier Burnett, Scandura, Livengood, Delgleize

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:

Scott Hess, Secretary

Planning Commission Chairperson

EXHIBIT A

ATTACHMENT NO. 2.2

EXHIBIT A

GENERAL PLAN GOALS, OBJECTIVES, AND POLICIES FOR NEWLAND STREET AND EDISON DRIVE UNDERGROUND UTILITY DISTRICT (GENERAL PLAN CONFORMANCE NO. 2009-006)

The establishment of the Newland Street and Edison Drive Underground Utility District conforms to the following goals, objectives, and policies of the General Plan:

Land Use Element

Objective LU 4.1: Promote the development of residential, commercial, industrial, and public buildings and sites that convey a high quality visual image and character.

Coastal Element

Goal C 4: Preserve and where feasible, enhance and restore the aesthetic resources of the City's coastal zone, including natural areas, beaches, harbors, bluffs, and significant public views.

Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Policy UD 1.3.2: Provide for the implementation of streetscape improvements along the major commercial corridors, through public capital improvement programs, business district improvements, or other techniques as funding is available.

The removal of existing Southern California Edison power poles and associated overhead wires for Time Warner and Verizon will enhance the appearance of Newland Street and Edison Drive by eliminating structures that detract from the visual image of the corridor and significant public views.

Policy UD 2.2.4: Require the undergrounding of utility lines.

Utilities Element

Policy U 5.1.2: Continue to underground above ground electrical transmission lines.

The Underground Utility Committee has identified Newland Street, between Pacific Coast Highway and Hamilton Avenue and Edison Drive as a high priority district due to the high level of use of Newland Street and the visual and safety impacts associated with utility poles and overhead wires. The proposed Underground Utility District will allow for the undergrounding of Southern California Edison power poles and associated overhead wires for Time Warner and Verizon along a segment of Newland Street and all of Edison Drive.

**PROPOSED UNDERGROUND UTILITY DISTRICT
NEWLAND STREET (HAMILTON TO PCH) AND MAGNOLIA AVENUE**

Project Narrative

In 2007, the City initiated the process of having the overhead utilities placed underground in conjunction with the City project to widen Newland Street. The City has come to terms with both Southern California Edison and Time Warner Cable to implement the relocation of their respective utilities underground. However, the City has not been able to come to an amicable agreement for the relocation of those utilities owned by Verizon. Due to the impending completion of the Newland Street Widening Project and the state of the negotiations with Verizon, the City has issued a "Notice to Relocate" to Verizon. This relocation will remain above ground in the interim. In addition, the City is now pursuing the formation of an Underground Utility District. According to the Public Utility Commission, Rule 40, formation of such a District would obligate Verizon to relocate their utilities underground at their cost.

According to the Huntington Beach Municipal Code, Chapter 17.64.040, Planning Commission review is required prior to submitting a proposal to create an Underground Utility District to City Council. It should be noted that Newland Street, at this location, is identified as a Landscape Corridor and Secondary Entry Node according to Figure CE-12 of the General Plan.

For reference, the City's last Utility Underground District was formed in 2000, wherein the Planning Commission approved General Plan Conformance No. 99-4 for the undergrounding of utilities along Beach Boulevard.



ATTACHMENT NO. 3

CITY OF HUNTINGTON BEACH
UTILITY UNDERGROUND COMMITTEE MEETING
October 29, 2009
3:30 p.m.
Public Works Conference Room
2000 Main Street, 1st Floor

MEETING MINUTES

Committee Chairman Hopkins opened the meeting at approximately 3:35 p.m.

Self introductions took place including:

Committee Members: _____ Travis Hopkins, Director of Public Works, Committee Chairman
Bob Hall, Assistant City Administrator
Herb Fauland, acting on behalf of Scott Hess, Director of Planning
Mike Murray, Verizon

City Staff: Tony Olmos, City Engineer
Todd Broussard, Principal Civil Engineer

Others Present: _____ Ray Roundtree, Verizon

Committee Member Tony Aguilar, SCE, absent

Tony Olmos presented the staff report giving the history of the Newland Street Project and previous negotiations/agreements with Southern California Edison, Time Warner, and Verizon. Mr. Olmos then explained the Public Utility Commission (PUC) Rule 40 findings necessary to establish that undergrounding is in the general public interest (one or more needs to be met):

- Location has an unusually heavy concentration of overhead facilities.
- Location is heavily traveled.
- Overhead equipment must be located within or pass through a civic, recreational or scenic area.

In addition to the Rule 40 criteria, SCE (PUC) Rule 20 includes the following criteria.

- Location qualifies as an **arterial or major collector** road in a local government's general plan.

Mr. Olmos showed photographs and other supporting documents and concluded that the proposed underground district on Newland Street from PCH to Hamilton Avenue and Edison Avenue from Newland Street to easterly end met more than one of said criteria and recommended that the Committee approve the proposed underground district and forward the recommendation to the City Council.

The table was then open for discussion. Both Mr. Murry and Mr. Roundtree took exception to all four findings. Mr. Fauland reviewed the information pertaining to the City's General Plan and stated that at least two of the criteria had been met.

Mr. Hall made a motion (Seconded by Hopkins) to; Recommend to City Council, the formation of the Newland Street (Hamilton to PCH) and Edison Avenue Utility Underground District.

The motion passed with a vote of 3-1-1 (Murray, No, Aguilar absent)

The meeting was adjourned at approximately 4:00 p.m.

Attachments;

Photographs
Excerpts from General Plan
Figure CE-3
Figure CE-7
Figure CE-12
Table CE-4
Table UD-1

ATTACHMENT NO. 4